

Regular Meeting Minutes

Hyde County Board of Commissioners

Monday, March 4, 2019

Following opening prayer by Commissioner Swindell and pledge of allegiance the Regular Meeting of the Hyde County Board of Commissioners was called to order at 6:10p.m. on Monday, March 4, 2019 in the Hyde County Government Center Multi-Use Room and the Ocracoke Community Center using electronic conferencing equipment. Chairman Pugh expressed condolences to the families of Kerry Campbell and Eddie Basnight. Kerry was employed in the Hyde County Maintenance Department for the past 38-years; and, Eddie is the son of Tax Administrator Linda Basnight who has been a county employee for the past 48-years.

The following members were present on the mainland: Chairman Earl Pugh, Jr.; Commissioners Ben Simmons, Shannon Swindell and James Topping; County Manager Kris Cahoon Noble; Attorney Franz Holscher; Clerk to the Board Lois Stotesberry and members of the public.

Vice-chairman Tom Pahl and members of the public were present on Ocracoke.

IT Director Donnie Shumate ran the electronic conferencing equipment on the Mainland and Teresa Adams ran the electronic conferencing equipment on Ocracoke.

Consideration of Agenda:

Commissioner Simmons moved to approve the Monday, March 4, 2019 Meeting Agenda as presented by the Clerk with addition of No. 3 – Resolution – 2019 Local Government Agencies General Records Retention and Disposition Schedule, No. 5 – Committee to Recommend Blind Laws for Mainland Public Waters, and No. 6 – Resolution – Hyde County Progress Group; and, with deletion of EIC Board Appointment and Interlocal Agreement for Existing Public Defender's Office. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Consideration of Minutes:

February 4, 2019 Joint Board of Education Meeting Minutes

Commissioner Pahl moved to approve the Monday, February 4, 2019 Joint Board of Education Meeting Minutes as presented by the Clerk. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

February 4, 2019 Regular Meeting Minutes

Commissioner Swindell moved to approve the Monday, February 4, 2019 Regular Meeting Minutes as presented by the Clerk with correction on Page 1 – Line 34 – Commissioner ~~Simmons~~ Pahl seconded the motion; on Page 3 – Line 43 – Commissioner ~~Simmons~~ Pahl seconded the motion; and, on Page 4 – Lines 15 & 16 – Ocracoke Planning Board ~~Community Volunteer Group~~. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Public Hearing:

Migratory Wild Waterfowl Hunting Legislation

County Manager Kris Cahoon Noble reported this public hearing is being conducted to provide citizens an opportunity

to present oral and written comment concerning legislation regulating matters related to migratory wild waterfowl hunting within permanent established hunting locations using blinds, floats, rafts, mats or other buoyant craft.

Ms. Noble stated: *“the Hyde County Board of Commissioners have already received a great deal of public comment and while they believe attention and potential regulation is needed in regard to wild waterfowl hunting, they will not have a vote to support or promote the draft legislation as presented. The group will hear public comment and discuss a path moving forward towards a solution that takes all user groups and stakeholder needs into account.”*

Commissioner Simmons moved to open public hearing on Migratory Wild Waterfowl Hunting Legislation. Commissioner Topping seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Jim Broadwell – presented four items to demonstrate what bestows the right to North Carolina's citizens and the extent of those rights: 1) NC Constitution – Sec. 5. Conservation of Natural Resources, 2) NCGS 1-45.1 – “Public Trust Rights”, 3) NC Supreme Court ruling “State v. Twiford” and, 4) NC Attorney General's Office 1996 Advisory opinion

for the Department of Natural Resources from the Office of the State Attorney General, Mike Easley, regarding the use of navigable waters without the consent of riparian owners.

Scott Toler – discussed the Pamlico County Safe Hunter Law referencing fake blinds every 400 yards for hunting migratory wild waterfowl in portions of Pamlico County.

Grayson Davis – reported 1800 people signed a petition on change.org against the potential legislative act to provide for safe distances for hunting migratory wild waterfowl in mainland portions of Hyde County.

Robert Hayes – reported the proposed legislative changes for hunting migratory wild waterfowl in Hyde County would be detrimental to his business “Hotel Engelhard”.

Louis Wade, Jr. – proposed a rule or ordinance that allows the land owners to hunt their marshland adjacent to public waters.

Thomas E. Newman III – wants to see hunters being successful, safe and most importantly respectful of each other and our resources. He wants to leave local lands and waters in better shape for the generations to come.

James Cozart – is opposed to the legislative act to provide for safe distances for hunting migratory wild waterfowl in mainland portions of Hyde County as presented.

Richard Credle – reported there is potential for miles of shoreline to be controlled by a few property owners from Fortescue Creek to Rose Bay and at Wysocking Bay.

Robert M. Sowell – a resident of Dare County who believes migratory wild waterfowl hunting laws in Dare and Currituck County are the worst in this country.

Dillon Jones – recommends charging a fee for non-resident hunters to hunt in a float rig in Hyde County.

Evan Knight – is opposed to the legislative act to provide for safe distances for hunting migratory wild waterfowl in mainland portions of Hyde County as presented.

Christopher Topping of Delta Waterfowl presented the opinion of this non-profit organization in a letter written by John Devney, Senior Vice President. Delta Waterfowl’s mission is to secure both the future of waterfowl and waterfowl hunting. Review of the proposed legislation and conversations with key stakeholders in the area has illustrated that this action will significantly impede the public’s ability to waterfowl hunt on public water. Delta Waterfowl respects the private property rights of riparian landowners, but believes this action represents a significant taking from the public.

Michael Dean Sadler – recommends commissioners re-write the proposal and not discourage public hunting.

Brett Mason – is a lifetime resident and recently a new guide in Hyde County who is in favor of forming a committee to make migratory wild waterfowl hunting legislation recommendations to the Board of Commissioners.

Adam Jones, Charlie Carawan, Louis Chestnut and Lane Gibbs declined further comment.

Chairman Earl Pugh, Jr., recommends creation of a committee of ten (10) members, all residents of Hyde County: 3 guides, 3 hunters, 3 land owners, and 1 at large member for the purpose of creating a blind law that protects local guides, local hunters, property owners rights, out of county hunters, waterfowl resources, promotes economic growth and generate revenue to cover costs. Committee members will be named at the April 1, 2019 meeting. Recommendations of the committee will be presented to the county on or before November 1, 2019.

Commissioner Topping reported Topping Lakeside Motel & Restaurant, while in business in the 1980’s, stood behind hunters.

Commissioner Pahl thanked attendees for their participation in the public hearing on Migratory Wild Waterfowl Hunting Legislation.

Commissioner Simmons moved to close public hearing on Migratory Wild Waterfowl Hunting Legislation. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

After a five minute break Chairman Pugh continued the meeting.

Presentation:

TR-407 Daily Distribution Tax Report

County Manager Kris Cahoon Noble presented the February 2019 Daily Distribution Tax Report.

Date(s) for 2019 Board of Equalization and Review

County Manager Kris Cahoon Noble reported each year the Board of Commissioners is required to hold Board of Equalization and Review meetings. In accordance with GS 105-322(e) the first meeting cannot be held before the first Monday in April or later than the first Monday in May and must adjourn on or before the third Monday following the first meeting. She reported Tax Administrator Linda Basnight recommends the first meeting of the Board of E&R be conducted on April 1, 2019 prior to the Joint Board of Education Meeting and the Board of Commissioners Regular Meeting and to adjourn on April 15, 2019 at 5:00p.m.

Commissioner Simmons moved to conduct Board of Equalization and Review meetings on April 1, 2019 prior to the Joint Board of Education Meeting and the Board of Commissioners Regular Meeting and to adjourn the Board of E&R

meeting on April 15, 2019 at 5:00p.m. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Simmons and Topping; Nays – None; Absent or not voting – None.

Proclamation: Week of the Young Child

Jessica Burnham, Executive Director, Beaufort/Hyde Partnership for Children and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 7th – 13th, 2019. Ms. Burnham asked that the Hyde County Commissioners adopt the proclamation and encourage all citizens to work to make a good investment in early childhood.

Commissioner Swindell moved to adopt Proclamation: Week of the Young Child. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Simmons and Topping; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Proclamation: Week of the Young Child" is attached herewith as Exhibit A and incorporated herein by reference.

Proclamation: Child Abuse Prevention Month April 2019

Jessica Burnham, Executive Director, Beaufort/Hyde Partnership for Children in conjunction with the Hyde County Department of Social Services proclaims children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets. Ms. Burnham asked that the Hyde County Board of Commissioners adopt the proclamation and call upon all citizens, community agencies, faith groups, medical facilities, other elected leaders and businesses to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the communities in Hyde County.

Commissioner Pahl moved to adopt Proclamation: Child Abuse Prevention Month April 2019. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Simmons and Topping; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Proclamation: Child Abuse Prevention Month April 2019" is attached herewith as Exhibit B and incorporated herein by reference.

Employees of the Month:

County Manager Kris Cahoon Noble commended Sheriff's Deputy Isaiah McCullor for his contribution to county schools and children. Isaiah coaches middle grade Lady Lakers Basketball, makes school visits, participates in neighborhood ball games and makes frequent school visits. Mr. McCullor was named employee of the month of March 2019.

Public Comments:

Peter Vankevich, Ocracoke – commended Sheriff's Deputy Jason Daniels for his participation in the school archery program, which is 2nd best in the state. He reported a positive law enforcement program in the school.

Hearing no further comment from the public Chairman Pugh continued the meeting.

Items of Consideration:

2019 Local Government Agencies General Records Retention and Disposition Schedule

County Manager Kris Cahoon Noble reported in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records do not and will not have further use or value for official business, research or reference purposes after the respective retention periods specified. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of records destruction.

Commissioner Swindell moved to adopt 2019 Local Government Agencies General Records Retention and Disposition Schedule as prepared by the Department of Natural and Cultural Resources (DNCR). Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Appointments:

Ocracoke Township Tourism Development Authority (OTTDA) Board *Revised 04-01-2019 JS*

~~Commissioner Pahl recommended re-appointment of Jake Johnson to serve another three-year term on the Ocracoke Township Tourism Development Authority Board.~~

Commissioner Pahl moved to ~~re-appoint Jake Johnson to a three-year term~~ *Revised 04-01-19 JS* on the Ocracoke Township Tourism Development Authority Board. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Ocracoke Waterways Commission (OWC)

Commissioner Pahl recommended appointment of Scott Bradley to replace Erik O’Neal on the Ocracoke Waterways Commission.

Commissioner Pahl moved to appoint Scott Bradley to the Ocracoke Waterways Commission. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Ocracoke Board of Adjustments

Commissioner Pahl recommended that appointment to the Ocracoke Board of Adjustments ~~be tabled until the April 1, 2019 Board of Commissioners meeting.~~ *Revised 04-01-19 JS*

EIC Board of Directors Membership (tabled)

Interlocal Agreement for Existing Public Defender’s Office (tabled)

Ferryview Partners Tram Building Lease

Consultant Bill Rich discussed proposed changes to the building lease between Hyde County and Ferryview Partners. The building will be used as a storage facility for the Ocracoke trams. In the amended lease the lot will increase from 800’ to 1300’ and rent will increase by \$50.00 per month. Mr. Rich will be asking NCDOT to reimburse Hyde County for expenses that the county did not participate in.

Commissioner Pahl moved that County Attorney Franz Holscher revise the county’s lease with Ferryview Partners pursuant to changes presented and then sign the lease as is. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Proposed Blind Law Committee

Chairman Earl Pugh, Jr. proposed forming a ten member committee to research legislation regulating matters related to migratory wild waterfowl hunting within permanent established hunting locations using blinds, floats, rafts, mats or other buoyant craft. Mr. Pugh recommended creating a ten member committee (all residents of Hyde County) for the purpose of creating a blind law that protects: 1) local guides, 2) local hunters, 3) property owners’ rights, 4) out of county hunters, 5) water fowl resources, 6) promote economic growth, 7) generate revenue to cover costs.

Committee members will be named at the April 1, 2019 meeting. Recommendations of the committee for rules and/or laws should be presented to the county on or before its November 1, 2019 commissioners meeting.

Commissioner Simmons moved to bring a list of the ten member committee (all residents of Hyde County who are directly affected by the proposed duck blind legislation) to the April 1, 2019 Board of Commissioners meeting for approval. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Commissioner Swindell moved to approve and amend Mr. Simmons motion to include a draft report of its findings from the Duck Blind Law Committee to the Board of Commissioners on or before its November 1, 2019 meeting. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Resolution of The Hyde County Board of Commissioners – Hyde County Progress Group

Commissioner Topping introduced Resolution of the Hyde County Board of Commissioners to create “Hyde County Progress Group”.

After discussion, Commissioner Simmons moved to support any group that wants to bring anything that is positive to Hyde County. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Budget Revisions:

Soil & Water

Drainage \$ 1,500.00

Health Department

18-19 – Child Health – Department Supplies \$ 182.90

19-19 – WIC – Office & Department Supplies \$ 116.40

20-19 – Maternal Health – Capital Outlay \$12,293.25

Department of Social Services

LIEAP Allocation \$15,051.00

Mapp Training \$ 1,000.00

Equipment for MCD \$10,000.00

Interpreter \$ 1,000.00

Interpreter \$ 3,000.00

Commissioner Simmons moved to approve the S&W Drainage, Health Department and Social Services Department budget transfers as presented. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Management Reports

Chairman Pugh – attended the Engelhard Airport meeting where a runway extension with a turnaround area was confirmed and a project to repave the airstrip with state funding was announced. He also attended a meeting where derelict boats were discussed.

Vice-chairman Pahl – continues working on revisions to the Ocracoke Development Ordinance (ODO) permit application; Ocracoke public restrooms project; derelict boats in Silver Lake; the sale of Ocracoke gas station; and, duck blind legislation issues. He attended the regular monthly Ferry Division meeting and met with Manager Noble and NCDOT representatives where the ongoing Ocracoke signs and street repair projects were discussed.

Commissioner Swindell – discussed duck blind legislation issues with concerned citizens.

Commissioner Simmons – also received calls about duck blind legislation issues. He reported a pipe has been installed on Quarter Road which protects 13 residences and 1300 acres of farmland.

Commissioner Topping – suggests the ballfield project be moved to the Davis ballfield in Engelhard. He discussed drainage concerns and reported receiving citizen’s complaints about county employees. He recommended installing time clocks in county buildings.

County Manager Kris Cahoon Noble – presented update on her projects and activities during the month. Ms. Noble’s calendar was provided for the month of February, 2019.

Public Comment

Franklin Swindell, Engelhard – questioned why the absence of a commissioner’s vote is counted as a yes vote.

Attorney Holscher explained that making no vote is considered a yes vote in accordance with state law.

Ray Tooley, Sladesville – recommended hunters use US Fish & Wildlife land for public access to migratory wild waterfowl hunting. He owns shoreline property in the Rose Bay area and would like to see legislation that protects landowners as well as hunters.

Closed Session (none)

Adjourn

Commissioner Simmons moved to adjourn the meeting. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

The meeting adjourned at 9:10p.m.

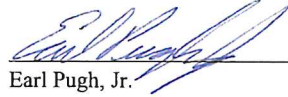
Respectfully submitted:

Minutes approved on the 1st day of April, 2019.

Attest:



Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners



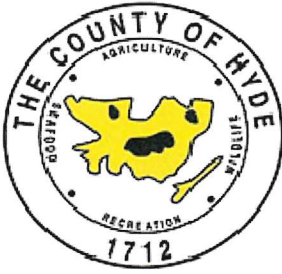
Earl Pugh, Jr.
Chair, Hyde County Board of Commissioners



Attachments

Exhibit A: *"Proclamation: Week of the Young Child April 7th – 13th, 2019"*

Exhibit B: *"Proclamation: Child Abuse Prevention Month April 2019"*



**BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA**

**PROCLAMATION
WEEK OF THE YOUNG CHILD
APRIL 2019**

Whereas, the Beaufort/Hyde Partnership for Children and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 7th – 13th, 2019; and


Whereas, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Hyde County, NC; and

Whereas, child care providers, teachers, parents, and others who make a difference in the lives of young children in Hyde County, NC deserve thanks and recognition; and

Whereas, public policies that support early learning for all young children are crucial to young children's futures;

NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners do hereby proclaim April 7th – 13th as the Week of the Young Child in Hyde County, NC and encourage all citizens to work to make a good investment in early childhood.

Adopted this the 4th day of March, 2019 in Hyde County, North Carolina.



Chairman Earl Pugh, Jr.



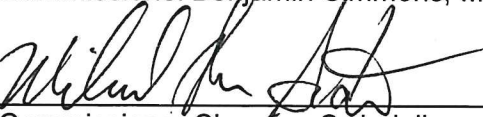
Vice-Chairman Tom Pahl



Commissioner James Topping



Commissioner Benjamin Simmons, III



Commissioner Shannon Swindell





**BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA**

**PROCLAMATION
CHILD ABUSE PREVENTION MONTH
APRIL 2019**

Whereas, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets;

Whereas, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life o a community;

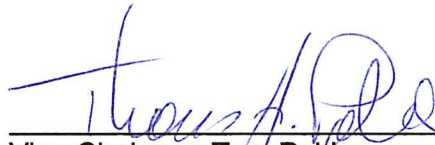
Whereas, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law nforcement agencies, and the business community;

NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners do hereby proclaim April as "CHILD ABUSE PREVENTION MONTH," and call upon all citizens, community agencies, faith groups, medical facilities, other elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in Hyde County.

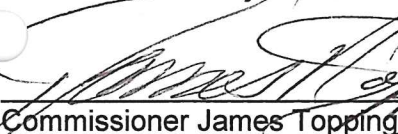
Adopted this the 4th of March 2019 in Hyde County, North Carolina.


Chairman Earl Pugh, Jr.


Vice-Chairman Tom Pahl


Commissioner Shannon Swindell


Commissioner Benjamin Simmons, III


Commissioner James Topping

